

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIM. NO. 21-20063

Plaintiff,

HON. LAURIE J. MICHELSON

v.

KATELYN JONES,

Defendant.

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THE UNITED STATES' SENTENCING MEMORANDUM

Following the November 2020 election, Defendant Katelyn Jones sent multiple threatening messages to the Chair of the Wayne County Board of Canvassers (Adult Victim One or AV-1) after AV-1 voted against certifying the election results. More specifically, Jones warned that AV-1 and AV-1's family—including AV-1's twelve-year-old daughter—"should be afraid." Jones also sent AV-1 a photograph of a nude and mutilated deceased young woman, followed by an actual photograph of AV-1's daughter. Referring to the photograph of the mutilated corpse, Jones wrote AV-1, "I'd just like you to imagine that's little [AV-1's daughter's name] your beautiful daughter."

After an investigation into the threats by the Federal Bureau of Investigation (FBI), Jones was identified as the sender and arrested. On March 2, 2023, she pleaded guilty to two counts of threats of violence through interstate commerce in

violation of 18 U.S.C. § 875(c) as charged in the Indictment. In light of Jones’ threatening conduct against a public official, as well as the other relevant Section 3553(a) factors, the government recommends a sentence within the guidelines range of 18–24 months. Such a sentence is “sufficient, but not greater than necessary, to comply with the purposes of sentencing set forth in 18 U.S.C. § 3553(a).” *United States v. Vowell*, 516 F.3d 503, 512 (6th Cir. 2008).

I. FACTUAL BACKGROUND

In November 2020, AV-1 was the Chair of the Wayne County Board of Canvassers, which was responsible for voting for or against the certification of the 2020 election results. On November 17, 2020, AV-1 voted against certifying the election results, and her vote was widely reported in the media. (Presentence Report (PSR) ¶ 9).

At approximately 7:46 a.m. the next day, AV-1 began receiving multiple threatening text messages from an unknown person, later determined to be Jones. The text messages stated:

- “Damn it was not hard finding all of your information disgusting racist bitch [AV-1’s name], [AV-1’s address]”; and
- “I don’t tolerate people like you, in fact I consider you to be a terrorist and do you know what happens to terrorist [AV-1’s first name]???”

(PSR ¶ 10). The messages were immediately followed by two graphic photographs of a bloody, deceased, nude, mutilated woman, lying on the ground. Immediately thereafter, a photograph of AV-1's daughter, who was then twelve years old, was sent to AV-1. Next, Jones wrote AV-1:

- I'd just like you to imagine that's little [AV-1's daughter's name] your beautiful daughter." The "that's" reference was to the images of the bloody deceased, nude, mutilated woman;
- "Have you ever heard of a private opinion on your Facebook???" "I guess not";
- "Fucking with our elections is TERRORISM, and us Americans clearly don't tolerate terrorist so yes you should be afraid, your daughter should be afraid and so should [name of AV-1's husband]";
- "Tsk, Tsk, Tsk"; and
- "You have made a grave mistake [AV-1's first name] I hope you realize that now."

(PSR ¶ 11).

That same day, AV-1 received similar threats on her Instagram page from an Instagram user later identified as Jones. Jones made comments under numerous photographs on AV-1's Instagram page, listing AV-1's actual phone number and address, and the phone number for AV-1's husband. With the victims' contact

information, Jones wrote, “Feel free to leave these disgusting racist [sic] a nice little message on their voicemail or for more fun stop by their house.” Jones also referred to AV-1 as a “terrorist” multiple times. With respect to AV-1’s twelve-year-old daughter, Jones posted:

- “It’d be a shame if something happened to her.” This comment was posted under a picture of AV-1, AV-1’s daughter, and AV- 1’s husband; and
- “Hmmm I’d be a shame if something happened to your daughter at school.”

(PSR ¶ 12).

AV-1 reported the threats to the FBI, and agents began investigating the cellphone number used to text AV-1, and the Instagram account that had posted the threatening messages on AV-1’s Instagram account. Subscriber information and subpoena returns revealed Jones had sent the threats.

On December 22, 2020, FBI Agents executed a search warrant at Jones’ home in New Hampshire. Jones was present and agreed to speak with agents after waiving her *Miranda* rights. She admitted sending the threatening texts and Instagram posts to AV-1, explaining that she sent them because she was angry about AV-1’s certification vote. (PSR ¶ 13).

Jones was arrested and charged with two counts of threats of violence through interstate commerce. (ECF No. 12 [Indictment]). On March 2, 2023, she pleaded guilty as charged without a Rule 11 Plea Agreement. (PSR ¶ 6).

In the presentence report, the Probation Department calculated Jones' guidelines imprisonment range to be 18–24 months, based on a total offense level of 15 and a criminal history category of I (PSR ¶ 61). Sentencing is scheduled for January 16, 2024.

II. Sentencing Factors

In 18 U.S.C. § 3553(a), Congress provided the objectives and factors that courts are to consider when imposing a sentence. The United States addresses the most relevant § 3553(a) factors below.

A. Nature and Circumstances of the Offense, 18 U.S.C. § 3553(a)(1)

The serious nature and circumstances of Jones' crime justify a sentence within the guidelines. The threats to AV-1, her husband, and, most critically, AV-1's twelve-year-old daughter were horrifying and targeted to induce fear in AV-1. Jones carefully researched AV-1's social media and contact information, posting her home address and phone number and inviting others to contact and intimidate AV-1. Jones specifically told AV-1 that she and her family should be afraid. Most alarmingly, Jones sent several threats about AV-1's twelve-year-old daughter, sending AV-1 a photograph of a mutilated woman's corpse and directing AV-1 to "imagine" the corpse was "[AV-1's] beautiful daughter." Jones also posted on AV-1's public social media account that it would "be a shame if something happened to your daughter at school" along with other posts of AV-1's daughter's picture.

Whatever one thinks of AV-1's vote against certifying the election results, Jones' response—sending direct and public threats to AV-1 and her family, together with AV-1's contact information and family photos depicting AV-1's twelve-year-old child—went beyond the pale. Jones took it upon herself to threaten AV-1 with the intent to scare her and influence her vote. In our democratic society, we cannot allow citizens to affect public officials' actions and decisions through threats and fear. Given the nature and circumstances of Jones' threats against AV-1, the government recommends a sentence within the guidelines range.

B. History and Characteristics of the Defendant, 18 U.S.C. § 3553(a)(1)

The defense has previously provided the government with information concerning Jones' physical and mental health issues, and the PSR reflects that information as well. (*See* PSR ¶¶ 45–53). The government does not dispute that Jones appears to suffer from a variety of ailments and will require treatment going forward. Nor does the government dispute that these are pertinent and significant factors that the Court must consider when fashioning a sentence in this case. However, it must also be noted that Jones appears to have had a stable upbringing and supportive parents. She had access to medical treatment prior to the instant offense. Moreover, while she appears to have been unmedicated at the time she committed the instant offense, she was not without resources and could have sought help rather than threatening AV-1 and her family.

C. The Need for the Sentence Imposed to Reflect the Seriousness of the Offense, to Promote Respect for the Law, to Provide Just Punishment for the Offense, and to Afford Adequate Deterrence, 18 U.S.C. §§ 3553(a)(2)(A), 3553(a)(2)(B)

The Court should fashion a sentence that accounts for the seriousness of an offense that undermines the democratic process by striking fear into hearts of those administering our elections. Given Jones’ alarming threats to AV-1 and her family, a meaningful sentence is necessary to promote respect for the law and provide just punishment commensurate with the harm caused by Jones’ conduct.

Further, there is a genuine need for deterrence in this case. Although the government does not currently have reason to believe that Jones will commit similar offenses in the future—and Jones’ resumed treatment indicates that she on the path to a law-abiding life—threats to election workers across the country are an ongoing and very serious problem. According to one recent survey, one in six election officials have experienced threats because of their job, and 77 percent have said that they feel the volume of those threats has increased in recent years. *See Poll of Local Election Officials Finds Safety Fears for Colleagues – And Themselves*, Brennan Center for Justice, available at <https://www.brennancenter.org/our-work/analysis-opinion/poll-local-election-officials-finds-safety-fears-colleagues-and> (Mar. 10, 2022).

Throughout the country, courts have recognized that threats to election officials undermine a critical component of our democracy and have sentenced

defendants accordingly. For example, in November 2023, a Texas man was sentenced to two years in prison for posting a message online threatening several Georgia public officials in the wake of the 2020 election. See [Office of Public Affairs | Man Sentenced for Election-Related Threats Toward Georgia Public Officials | United States Department of Justice](#); *United States v. Chad Stark*, Case No. 23-CR-271 (N.D. Ga.). In August 2023, an Iowa man was sentenced to two and half years in prison for sending threatening communications to an election official on the Maricopa County Board of Supervisors and to the then-Attorney General of Arizona. See [Office of Public Affairs | Man Sentenced for Threatening Maricopa County Election Official and Then-Attorney General of Arizona | United States Department of Justice](#); *United States v. Mark Rissi*, Case No. 22-CR-1283 (D. Az.).

Also in August 2023, a Texas man who threatened two Maricopa County officials and their children was sentenced to three and a half years in prison. See [Northern District of Texas | Texas Man Who Threatened Elections Official, County Attorney Sentenced to 3 ½ Years in Prison | United States Department of Justice](#); *United States v. Frederick Goltz*, Case No. 23-CR-5 (N.D. Tex.). In October 2022, a Nebraska man was sentenced to 18 months in prison for making multiple threatening posts on an Instagram page associated with an election official. See [Office of Public Affairs | Man Sentenced to Prison for Threatening Election Official](#)

[| United States Department of Justice](#); *United States v. Travis Ford*, Case No. 22-CR-3067 (D. Neb.).

The U.S. Justice Department has created an entire task force dedicated to prosecuting such threats, including the ones in this case, because it is an ever-growing and pernicious problem in our democratic society. Individuals who might consider threatening elections officials, especially as the 2024 election draws near, ought to be made aware of the serious consequences for doing so. And election workers deserve to know that those who threaten them will face meaningful penalties. A significant sentence will provide adequate deterrence to such conduct and ensure that election officials are protected from threatening interference for simply doing their jobs.

III. CONCLUSION

For the reasons set forth above, the government respectfully requests a sentence within the guidelines range of 18–24 months.

Respectfully submitted,

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Date: January 9, 2024

Certificate of Service

I certify that on January 9, 2024, I electronically filed the foregoing response with the Clerk of the Court of the Eastern District of Michigan using the ECF system, which will send notification and a copy of such filing to all counsel of record.

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